

July 23, 2007

Ms. Marlene Dortch  
FCC Secretary

Ms. Dortch,

I am writing in regards to Exclusive Service/Access Contracts and would like this letter to be included in the record of FCC 07-32, MB 07-51.

Multiband is a national provider of voice, video and data to Multi-Dwelling Units including apartments, condos and gated communities. Multiband also manages a network of System Operators who gain Rights of Entry for such services nationwide. This network now passes approximately 400,000 units.

Precluding the use of Exclusive Service/Access Contracts will make it very difficult for Multiband and its network to compete with the Telcos and the large MSOs. Without the ability to be exclusive, many times we would not be able to go into a property and offer our services as a choice if we are uncertain of the return on investment. We spend a lot of capital on the infrastructure to support our services and need an exclusive period of time to recover the investment. The marketplace will regulate the use of exclusive agreements as it requires a very aggressive offer to the property before they will agree to such an arrangement. Standard contract language typically forces quality of service and continued competitive rates during the life of the contract. We believe that perpetual contracts are not friendly to the tenants or the properties but being exclusive for a period of time creates a very competitive environment and gives more choice, better service and assures competitive rates for the tenants.

Another issue our company faces is the ability to raise capital if we cannot be the exclusive provider. In many cases, exclusivity is a major factor in capital funds being available. It is already a problem for us in Mandatory Access states (which I wish the FCC could do something about).

Multiband and its network strive to offer high-quality, competitive services to the MDU market. If the FCC wants good honest competition from service oriented local operators, please allow us to be exclusive with our contracts – not perpetual, just during the term of the ROE so we can realize a return on the investment and earn future business with the property.

Sincerely,

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